GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3309
ANSWERED ON:07.12.2007
PROOF OF DEMAND FOR DOWRY
Patil Shri Balasaheb Vikhe

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Supreme Court in its recent verdict has done away with proof for dowry demand as reported in the Asian Age; October 23, 2007;

(b) if so,the details thereof;

(c) whether the law defines about the demand for dowry;

(d) if so,the details thereof;

(e) whether the ruling in the above case was within the law definition or it was based on evidence or there is scope for interpretation of law; and

(f) if so,the sleps taken/being taken by the Government to strengthen the taw in this regard?

Answer

MINISTER OF LAW AND JUSTICE(SHRI H.R. BHARDWAJ)

(a) & (b) The Apex Court has dealt with the issue relating to dowry deaths under section 304 B of the Indian Penal Code, 1861 (IPC) in Devi Lal Vs State of Rajasthan (2007 12 SCALE 265). In this case, the Apex Court h.\s given credence to the fact that prosecution was able to prove the case beyond reasonable doubt as to the demand of dowry and also that ingredients of section 304 B of the IPC had been met. As such lhe proof for demand of dowry has not been done away with by the Apex Court in the aforesaid case.

(c) & (d) Section 4 of the Dowry Prohibition Act, 1961 lays down penalty for demanding dowry directly or indirectly. The Act does Hot define what constitutes demanding dowry.

(e) The apex Court also said in Dcvi oLal Vs State of Rajasthan that the testimpnies of the prosecution witnesses have been relied on foro arriving at the finding of guilt of the appellant. We do not see any reason to take different view.

(f) There is no proposal to amend the said Act in order to include therein a definition of demand for dowry (National Commission for Women has made some recommendation for amendment of the Act including amendment of the definition of dowry.Amendments to section 304B of IPC have also been recommended. The recommendations are under examination in Ministry of Women and Child Development.